

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ROBERT L. WIGGINS, JR., et al.,)	
)	
Plaintiffs,)	
)	
v.)	
)	
FDIC, as Receiver of Superior Bank, et)	
al.,)	
)	
Defendants.)	Case No.: 2:12-cv-02705-SGC
<hr style="width: 40%; margin-left: 0;"/>)	
FRANK ELLIS, IV, et al.,)	
)	
Counterclaim Plaintiffs,)	
)	
v.)	
)	
ROBERT L. WIGGINS, JR., et al.,)	
)	
Counterclaim Defendants.)	

AMENDED SCHEDULING ORDER

The court has before it the January 12, 2018 joint motion to extend all deadlines in the scheduling order. (Doc. 215). The parties request the court to extend all deadlines by four (4) months. The motion is **GRANTED** and the scheduling order is **AMENDED** as follows:

1. **Pleadings and Parties:** No causes of action, defenses, or parties may be added without leave of court.

2. **Dispositive Motions:** All potentially dispositive motions must be filed by January 7, 2019.¹
3. **Expert Testimony:** Unless modified by stipulation of the parties, the disclosures of expert witnesses--including a complete report under Fed. R. Civ. P. 26(a)(2)(B) from any specially retained or employed expert--are due:

From plaintiffs: by August 15, 2018 (deposed by September 15, 2018)

From defendants/counter-plaintiffs: by September 15, 2018 (deposed by October 15, 2018)

Counter-defendants: by October 15, 2018 (deposed by November 15, 2018)

4. **Discovery limitations and cutoff:**

(a) Unless modified by stipulation of the parties:

Depositions: Maximum 10 by each party, limited to one (1) day of seven (7) hours in duration.

Interrogatories: Maximum 40 by any party directed to any other party.

Requests for Production: Maximum of 40 by any party directed to any other party.

Requests for Admission: Maximum 40 by any party directed to any other party.

(b) Unless modified by court order for good cause shown:

Supplementation: Supplementation of disclosures and discovery under Fed. R. Civ. P. 26(e) are due within a reasonable period of time after discovery of such information, but all such supplementation shall be provided by May 28, 2018.

¹ The parties are directed to refer to the Initial Order (Doc. 195) entered in this action for specific briefing and submission requirements for dispositive motions.

Deadline: All fact discovery must be commenced in time to be completed by June 28, 2018. For good cause shown and with leave of court, the parties may be allowed to conduct additional fact discovery after June 28, 2018, should expert discovery raise additional factual issues.

Privileged Material: Pursuant to Fed. R. Evid. 502(b) and (d), the inadvertent disclosure of any privileged communication, information, document, or ESI shall not operate as a waiver of the privilege in this or any other proceeding to the extent the producing party complies with the requirements of Fed. R. Evid. 502(b) and Fed. R. Civ. P. 26(b)(5)(B).²


5. **Additional conferences:** A telephone status conference is **SET** for **10:00 a.m.** on **May 1, 2018**. The parties are **INSTRUCTED** to dial 877-336-1831 five minutes before the status conference is scheduled to begin. The access code is 2778178.

A pretrial conference will be scheduled in a separate order after the dispositive motion deadline.

6. **Final lists:** The court will establish deadlines for the exchange and filing of final witness and exhibit lists and objections under Fed. R. Civ. P. 26(a)(3) at the pretrial conference.
7. **Trial:** This case shall be ready for trial, to be scheduled by separate order, on or before March 1, 2019.
8. **Other Agreements Incorporated:** The report of parties may memorialize agreements not reflected here. This order incorporates any such agreements to the extent they do not conflict with the express terms of this order.

² Before filing a motion regarding a discovery dispute, a party must comply with the discovery dispute resolution procedure outlined in the Initial Order entered in this action. After conferring in person or via telephone pursuant to that procedure, but before a motion regarding a discovery dispute is filed, the parties may request a conference with the undersigned, if they believe a conference may resolve their dispute without resort to a motion.

DONE and **ORDERED** this 24th day of January, 2018.


STACI G. CORNELIUS
U.S. MAGISTRATE JUDGE